

HOUSE No. 4311

The Commonwealth of Massachusetts



House of Representatives, March 09, 2018.

**In the One Hundred and Ninetieth General Court
(2017-2018)**

1 *Ordered*, That the Rules of the House of Representatives be amended by adding the
2 following rules:-

3 Professional Standards and Conduct

4 88. (a) As used in Rules 88 to 99, inclusive, the following terms shall, unless the context clearly
5 requires otherwise, have the following meanings:-

6 “Authorized party”, a party authorized to receive a complaint of harassment or retaliation
7 pursuant to Rule 93.

8 “Counsel”, Legal Counsel to the House appointed pursuant to section 51 of chapter 3 of the
9 General Laws.

10 “Director”, the Director of Human Resources appointed pursuant to Rule 90.

11 “Discriminatory harassment”, verbal or physical conduct that:

12 (1) demeans, stereotypes, or shows hostility or aversion toward an individual or group because of

13 the individual’s race, color, religion, national origin, sex, ancestry, sexual orientation, age,

14 disability status, genetic information, gender identity, active military personnel status,

15 transgender status or membership in any other protected class and;

16 (2) (i) has the purpose or effect of creating an intimidating, hostile, humiliating or offensive

17 working environment;

18 (ii) has the purpose or effect of unreasonably interfering with a member, officer, intern or

19 employee’s work performance or official duties; or

20 (iii) otherwise adversely affects a member, officer, intern or employee’s employment

21 opportunities or ability to fulfill his or her official duties or conduct business before the House.

22 “EEO Officer”, the Equal Employment Opportunity Officer appointed pursuant to Rule 89.

23 “Harassment”, discriminatory harassment or sexual harassment engaged in by a member, officer,

24 intern or employee of the House or by a third party.

25 “Sexual harassment”, sexual advances, requests for sexual favors and verbal or physical conduct

26 of a sexual nature when:

27 (1) submission to or rejection of such advances, requests or conduct is made either explicitly or

28 implicitly a term or condition of employment or as a basis for employment decisions, or as a

29 term, condition or basis for the support of certain policy objectives, political aspirations or

30 business before the House; or

31 (2) such advances, requests or conduct have the purpose or effect of unreasonably interfering
32 with a member, officer, intern or employee's work performance or official duties by creating an
33 intimidating, hostile, humiliating or sexually offensive work environment.

34 Under this definition, direct or implied requests for sexual favors in exchange for actual or
35 promised (i) employment benefits such as favorable reviews, salary increases, promotions,
36 increased benefits or continued employment or (ii) support for certain policy objectives, political
37 aspirations or business before the House, shall constitute sexual harassment.

38 The definition of sexual harassment is broad and may include other sexually oriented conduct,
39 whether or not it is intended to violate this Rule, that is unwelcome and has the effect of creating
40 a workplace environment that is hostile, offensive, intimidating or humiliating to a member,
41 officer, intern or employee of the same or different gender, or those who do not identify as
42 gender binary.

43 "Supervisor", a member, officer or employee having direct authority or oversight over one or
44 more employees.

45 "Third party", any person visiting the House of Representatives, or conducting official business
46 or work with any member, officer or employee of the House.

47 (b) The House is committed to providing fair and equal opportunity for employment and
48 advancement to all employees and applicants.

49 It is our policy and practice to assign, promote and compensate employees on the basis of
50 qualifications, merit, and competence. Employment practices shall not be influenced nor
51 affected by virtue of an applicant's or employee's race, color, religion, national origin, sex,

52 ancestry, sexual orientation, age, disability status, genetic information, gender identity, active
53 military personnel status, transgender status or membership in any other protected class.

54 This policy governs all aspects of recruiting, hiring, training, on-the-job treatment, promotion,
55 transfer, discharge and all other terms and conditions of employment.

56 Without limiting the applicability of the foregoing, the House is committed to creating and
57 maintaining a work environment in which all members, officers, interns and employees of the
58 House, and all third parties, are treated with respect and free from any form of harassment,
59 including harassment based on an individual's membership in any protected class. To that end,
60 the House will not tolerate harassment of any kind by any member, officer, intern, employee or
61 third party in the workplace or otherwise in connection with the official duties or employment
62 responsibilities of a member, officer, third party, intern or employee. Any individual who
63 believes that he or she may have been the object of harassment, or any individual who witnesses
64 something they think may be harassment, is strongly encouraged to report that information to an
65 authorized party.

66 The House shall promote the safety and respectful treatment of all members, officers, interns and
67 employees of the House, and all third parties, by establishing uniform procedures for making and
68 receiving complaints of harassment and initiating, conducting and concluding investigations into
69 complaints of harassment.

70 A violation of this policy will subject the member, officer, employee or intern to discipline
71 pursuant to Rule 95 and Rule 96.

72 (c) (1) Discriminatory harassment may include, but is not limited to, the following conduct:

- 73 (i) epithets, slurs, insults or negative stereotyping related to the protected classes;
- 74 (ii) acts or jokes that are hostile or demeaning with regard to the protected classes;
- 75 (iii) threatening, intimidating or hostile acts that relate to the protected classes;
- 76 (iv) displays of written or graphic material that demean, ridicule or show hostility toward an
77 individual or group because of membership in a protected class, including material circulated or
78 displayed in the workplace, including District Offices, such as on an employee's desk or
79 workspace, or on House equipment or bulletin boards, including but not limited to House-issued
80 computers, laptops and personal device assistants;
- 81 (v) verbal or non-verbal innuendo, and micro-aggressions; and
- 82 (vi) other conduct that falls within the definition of discriminatory harassment set forth above.
- 83 (2) Sexual harassment includes, but is not limited to, the following conduct:
- 84 (i) gender-based bullying, including bullying based on transgender or non-gender binary status;
- 85 (ii) attempts to coerce an unwilling person into a sexual relationship;
- 86 (iii) repeatedly subjecting a person to unwelcome sexual or romantic attention;
- 87 (iv) punishing a person's refusal to comply with a request for sexual conduct; and
- 88 (v) conditioning a benefit on submitting to sexual advances.
- 89 (3) Conduct that, if unwelcome, and depending upon the totality of the circumstances, including
90 the severity of the conduct and its pervasiveness, may constitute sexual harassment includes, but
91 is not limited to, the following:

- 92 (i) unwelcome sexual advances, flirtations or propositions, whether they involve physical
93 touching or not;
- 94 (ii) sexual “kidding,” epithets, jokes, written or oral references to sexual conduct;
- 95 (iii) gossip regarding one’s sex life;
- 96 (iv) comment on a person’s body or an individual’s sexual activity, deficiencies, or prowess;
- 97 (v) displaying sexually suggestive objects, pictures, posters or cartoons;
- 98 (vi) unwelcome leering or staring at a person;
- 99 (vii) sexual gestures and suggestive or insulting sounds, such as whistling or comments with
100 sexual content or meaning;
- 101 (viii) uninvited physical contact, such as touching, hugging, purposely brushing against the body,
102 patting or pinching;
- 103 (ix) indecent exposure;
- 104 (x) inquiries into one’s sexual experiences;
- 105 (xi) discussion of one’s sexual activities;
- 106 (xii) sexual emails; and
- 107 (xiii) sexting, or sexual messages or images posted on social media, for example, texts, instant
108 messages, Facebook posts, tweets, Snapchat, Instagram or blog entries.
- 109 (d) No member, officer or employee of the House shall retaliate, including against a member,
110 officer, intern, or employee of the House who has complained about harassment or participated

111 in an investigation into an allegation of harassment or retaliation. Any person who believes that
112 he or she may have been the subject of retaliation for having complained of harassment or
113 retaliation, or for having participated in an investigation related to an allegation of harassment or
114 retaliation, is strongly encouraged to report that information to an authorized party.

115 89. (a) The House shall employ a full-time Equal Employment Opportunity Officer. The
116 committee on Rules shall appoint a qualified person with expertise in harassment prevention,
117 conduct of investigations, and identifying barriers to equal employment opportunity to act as the
118 EEO Officer at such compensation as the committee on Rules shall approve.

119 The EEO Officer shall serve a term of two years from the date of appointment, unless the EEO
120 Officer sooner resigns, retires or is removed; provided, however, that the EEO Officer may only
121 be removed: (i) for misfeasance, malfeasance or nonfeasance, as determined by agreement of
122 Counsel and the Director, and approved by a majority vote of the committee on Rules; or (ii) by
123 a majority roll call vote of the House.

124 The EEO Officer may employ such assistants as may be necessary in the discharge of the EEO
125 Officer's duties, subject to the approval of the committee on Rules, and may expend with like
126 approval such sums as may be necessary for the discharge of their duties.

127 (b) The EEO Officer shall receive, review and investigate all complaints alleging a violation of
128 Rule 88, the House Anti-Harassment Policy, or the House Equal Employment Policy, including,
129 but not limited to complaints alleging harassment or retaliation. Complaints shall be received,
130 reviewed and investigated pursuant to Rules 93 to 96, inclusive.

131 The EEO Officer shall develop and implement written policies and procedures for receiving,
132 investigating, resolving and maintaining records of complaints against members, officers, interns

133 or employees of the House, or against third parties, made in accordance with Rules 93 to 98,
134 inclusive.

135 (c) (1) The EEO Officer, in conjunction with the committee on Personnel and Administration
136 and the Director, shall provide for training of members. Members shall be required to complete
137 training within 30 days of being sworn in and annually thereafter. Training shall be in-person
138 and shall include, without limitation, instruction on: (i) House equal employment policies,
139 including the complaint and investigation process; (ii) workplace harassment specifically,
140 including techniques for bystander intervention and other best practices; (iii) prohibition on
141 retaliation; (iv) best management practices; (v) professionalism and respect; and (vi) practices for
142 monitoring the workplace for issues and identifying risk factors. Each member shall make a
143 signed, written acknowledgement of the member's completion of the training, which shall be
144 retained by the EEO Officer.

145 (2) The EEO Officer, in conjunction with the committee on Personnel and Administration and
146 the Director, shall provide for training for all appointed officers and employees. Appointed
147 officers and employees shall be required to complete training within 30 days of initial hire or
148 appointment and annually thereafter. Training shall be in person and shall include, without
149 limitation, instruction on (i) House equal employment policies, including the complaint and
150 investigation process; (ii) workplace harassment specifically, including techniques for bystander
151 intervention and other best practices; (iii) prohibition on retaliation; and (iv) professionalism and
152 respect.

153 Separate trainings shall be held for those appointed officers and employees who are supervisors
154 and those appointed officers and employees who are not supervisors. The content of the training

155 shall be tailored appropriately to the recipients. Supervisors shall be specifically trained on best
156 management practices.

157 Each appointed officer and employee shall make a signed, written acknowledgement of his or
158 her completion of the training, which shall be retained by the EEO Officer, who shall provide a
159 copy to the Director to be maintained in his or her personnel file.

160 (3) The EEO Officer shall provide for appropriate additional training to members, officers or
161 employees at any time that the EEO Officer deems necessary or appropriate, including upon the
162 request of a member, officer or employee.

163 (4) The EEO Officer, in conjunction with the Director, shall provide for training for interns
164 during the intern orientation process. The training shall include without limitation, instruction
165 on: (i) House equal employment policies, including the complaint and investigation process; (ii)
166 workplace harassment specifically, including techniques for bystander intervention and other
167 best practices; (iii) prohibition on retaliation; and (iv) professionalism and respect. Each intern
168 shall make a signed, written acknowledgement of the intern's completion of the training, which
169 shall be retained by the EEO Officer, who shall provide a copy to the Director to be maintained
170 in the Director's records.

171 (d) The EEO Officer shall develop practices and procedures for auditing House offices, including
172 random audits, to ensure the maintenance of best practices. Audits may include interviews and
173 in-office observation. All members, officers, interns and employees shall comply with a request
174 from the EEO Officer to conduct an audit.

175 90. (a) The House shall employ a full-time Director of Human Resources. The committee on
176 Rules shall appoint a qualified person to act as the Director at such compensation as the
177 committee on Rules shall approve.

178 The Director shall serve a term of two years from the date of appointment, unless the Director
179 sooner resigns, retires or is removed; provided, however, that the Director may only be removed:
180 (i) for misfeasance, malfeasance or nonfeasance, as determined by agreement of the EEO Officer
181 and Counsel and approved by a majority vote of the committee on Rules; or (ii) by a majority
182 roll call vote of the House.

183 (b) The Director may employ such assistants as may be necessary in the discharge of the
184 Director's duties, subject to the approval of the committee on Rules, and may expend with like
185 approval such sums as may be necessary for the discharge of their duties.

186 (c) The Director shall develop and oversee standardized practices and procedures, which shall
187 apply to all applications for employment. The practices and procedures shall include, but shall
188 not be limited to: (i) a standard application for employment; (ii) mandatory background and
189 reference checks, the results of which shall be reported by the Director to the applicant's
190 prospective appointing authority; and (iii) a standard offer letter for each position within the
191 House.

192 (d) The Director shall develop and oversee standardized practices and procedures, which shall
193 apply to all employees and appointed officers of the House. These practices and procedures shall
194 include or address, without limitation: (i) regular meetings between the Director, the EEO
195 Officer and employees who are supervisors, including an initial meeting within 14 days of the
196 employee assuming such a role; (ii) guidelines for conducting employee performance reviews;

197 (iii) a program of progressive discipline; and (iv) separations from employment including exit
198 interviews for terminated employees.

199 (e) The Director shall develop employee classifications, which shall include written job
200 descriptions, salary ranges and schedules. The classifications shall be published in the employee
201 and supervisor handbooks.

202 (f) The Director shall develop practices and procedures for receiving, investigating and
203 resolving personnel complaints unrelated to Rule 88, the House Anti-Harassment Policy, or the
204 House Equal Employment Policy.

205 (g) The Director shall annually publish: (i) an Employee Handbook; (ii) a Supervisor Handbook;
206 and (iii) an Intern Handbook. Each handbook shall be developed with the advice and approval of
207 the EEO Officer and Counsel, and shall be submitted to the committee on Personnel and
208 Administration for review and approval at least 14 days prior to publication.

209 The handbooks shall be available as follows:

210 (i) the Director shall post all three handbooks on the human resources web portal;

211 (ii) the Director shall email an electronic copy of the Employee Handbook to each employee
212 within 10 days of its publication and require that each employee sign a written acknowledgement
213 of receipt and return such acknowledgement to the Director within 5 days;

214 (iii) the Director shall email an electronic copy of the Employee Handbook to each new
215 employee within 5 days of the employee's start date and require that the employee sign a written
216 acknowledgement of receipt and return such acknowledgement to the Director within 5 days;

217 (iv) the Director shall email an electronic copy of the Supervisor Handbook to all supervisors
218 within 10 days of its publication and require that each supervisor sign a written
219 acknowledgement of receipt and return such acknowledgement to the Director within 5 days;

220 (v) the Director shall email an electronic copy of the Supervisor Handbook to all new supervisors
221 within 5 days of their assuming such a position or, in the case of a member, within 5 days of
222 being sworn into office, and require that the supervisor sign a written acknowledgement of
223 receipt and return such acknowledgement to the Director within 5 days;

224 (vi) the committee on Personnel and Administration shall provide an Intern Handbook to each
225 intern on the first day of his or her internship. Upon receipt of the Intern Handbook the intern
226 shall sign a written acknowledgement of receipt that day, which shall be maintained by the
227 committee, with a copy sent to the Director;

228 (vii) hard copies of each handbook shall be available in the offices of the Director, the EEO
229 Officer, Counsel and the Clerk;

230 (viii) the Director shall cause electronic copies of each handbook to be downloaded onto the
231 desktop of each House computer; and

232 (ix) in formats accessible to all members, officers and employees.

233 (h) The Committee on Personnel and Administration, in consultation with the Director, shall
234 develop policies to address individuals who provide services to the House in a volunteer capacity
235 or otherwise without receiving compensation.

236 91. The Director shall, in consultation with the EEO Officer, create and maintain an internal web
237 portal for members, officers and employees. The web portal shall provide relevant information

238 on human resource policies and procedures, including, without limitation, the Rules of the
239 House, each handbook published by the Director, explanations of complaint and investigation
240 procedures, contact information for the Director, the EEO Officer and Counsel, and training
241 schedules.

242 92.

243 (a) The House shall employ a full-time Director of Employee Engagement. The committee on
244 Personnel and Administration shall appoint a qualified person to act as the Director of Employee
245 Engagement at such compensation as the committee on Personnel and Administration shall
246 approve.

247 (b) The Director of Employee Engagement shall, in consultation with the Director of Human
248 Resources: (i) develop methods for enhancing the skills and professional development of
249 employees; and (ii) engage employees in roundtable discussions on issues of importance or
250 concern.

251 (c) The Director of Employee Engagement shall assist the committee on Personnel and
252 Administration with duties as may be assigned by the committee or the Director of Human
253 Resources.

254 93. (a) (1) A member who believes that he or she has been the object of harassment or
255 retaliation, who witnesses harassment or retaliation, or who becomes aware of harassment or
256 retaliation may make a complaint, either orally or in writing with the EEO Officer, Counsel, or
257 the Director. Upon receipt of a complaint pursuant to this subsection, a recipient other than the
258 EEO Officer shall forthwith provide a detailed account of the complaint to the EEO Officer for
259 assessment pursuant to Rule 94.

260 (2) An appointed officer, employee or intern of the House who believes that he or she has been
261 the object of harassment or retaliation, who witnesses harassment or retaliation, or who becomes
262 aware of harassment or retaliation may make a complaint, either orally or in writing, to any of
263 the officer's, employee's or intern's supervisors, the Director, the EEO Officer or Counsel. Upon
264 receipt of a complaint pursuant to this subsection, a recipient other than the EEO Officer shall
265 forthwith provide a detailed account of the complaint to the EEO Officer for assessment pursuant
266 to Rule 94.

267 (3) A third party who believes that he or she has been the object of harassment, or who witnesses
268 harassment or retaliation may make a complaint, either orally or in writing, with the EEO
269 Officer. Upon receipt of a complaint pursuant to this subsection, the EEO Officer shall assess
270 the complaint pursuant to Rule 94.

271 (b) The EEO Officer shall provide guidance for authorized parties who may receive complaints
272 under subsection (a), both in the form of the training referenced in Rule 89 and otherwise. The
273 guidance shall instruct authorized parties on the proper way to receive complaints and to advise
274 complainants on issues including, but not limited to, confidentiality, prohibition on retaliation
275 and the availability of additional resources and avenues for action for the complainant, including
276 possible criminal action where appropriate.

277 (c) If a complaint, made pursuant to subsection (a), is against the EEO Officer or an employee
278 appointed by the EEO Officer, the recipient of the complaint shall notify Counsel, who shall, in
279 consultation with the Director, investigate the complaint pursuant to Rules 94 to 96, inclusive.

280 (d) If, based on the nature and circumstances of the complaint, the EEO Officer believes that he
281 or she cannot objectively assess or investigate a complaint made pursuant to subsection (a) the

282 EEO Officer shall refer the matter to Counsel who shall assume responsibility for the assessment
283 or investigation or refer the complaint to outside counsel for investigation. The EEO Officer
284 shall consult with Counsel to establish guidelines used to identify matters that should be referred
285 to Counsel or outside counsel pursuant to this subsection.

286 94. (a)(1) All complaints alleging harassment or retaliation by or against a member, officer,
287 intern or employee of the House, or by or against a third party, received by any member, officer
288 or employee of the House, shall be immediately referred to the EEO Officer for assessment.

289 (2) Upon receiving a complaint alleging harassment or retaliation by or against a member, officer
290 or employee of the House, or by or against a third party, the EEO Officer shall promptly
291 undertake an assessment to determine whether the complaint is plausible and requires
292 investigation. Such assessment shall be completed within two weeks from the date of receiving a
293 complaint.

294 Upon a determination by the EEO Officer that a complaint is plausible and requires
295 investigation, the EEO Officer shall commence an investigation of the complaint.

296 Upon a determination by the EEO Officer that a complaint is not plausible and does not require
297 investigation, the EEO Officer shall submit a report to Counsel and the Director describing the
298 complaint and the EEO Officer's basis for determining that the complaint lacked plausibility and
299 did not require investigation. If either Counsel or the Director objects to the EEO Officer's
300 determination, the EEO Officer shall commence an investigation of the complaint.

301 (b) The EEO Officer shall assess complaints and conduct investigations pursuant to written
302 policies and procedures, which shall be established by the EEO Officer pursuant to Rule 98 and
303 published on the human resources web portal. The policies and procedures shall ensure that all

304 assessments, investigations and reports are confidential to the fullest extent practicable under the
305 circumstances and shall include, without limitation, the following: trauma-informed techniques;
306 mechanisms for investigating complaints made by witnesses or third parties; standards for
307 collecting and maintaining evidence; consideration of interim measures; and methods to tailor
308 each investigation to the specific needs of the complainant and particular circumstances of the
309 complaint.

310 (c) The EEO Officer shall complete investigations within 90 days; provided, that the EEO
311 Officer may extend the investigation in extraordinary circumstances. The EEO Officer shall
312 regularly, but no less frequently than every 2 weeks, update the complainant on the status of the
313 investigation. If the EEO Officer believes that interim measures are warranted to protect
314 complainants during the investigation, then the EEO shall recommend such measures to the
315 appropriate supervisory individual or body.

316 (d) Upon the conclusion of an investigation, the EEO Officer shall prepare a report summarizing
317 the complaint, the EEO Officer's investigation, findings and recommendations, if any, for
318 disciplinary, remedial or preventative action, or any combination thereof.

319 95. (a) (1) If after completion of an investigation pursuant to Rule 94, the EEO Officer
320 determines that a member has violated Rule 88, the EEO Officer shall recommend disciplinary,
321 remedial or preventative action, or any combination thereof, as is appropriate and proportional
322 under the circumstances, subject to the limitations set forth in paragraphs (2) and (3).

323 (2) Where the EEO Officer's action recommended pursuant to paragraph (1) does not include
324 reprimand, censure, removal from position as a chair or other position of authority, or expulsion,
325 prior to imposing such action the EEO Officer shall notify the member of the action and provide

326 the member with a copy of the EEO Officer's report. The member may, within 10 days of
327 receiving notice, request in writing that the Speaker and Minority Leader appoint a special
328 committee pursuant to Rule 96 to review the findings and recommendations of the EEO Officer.
329 Upon receipt of said request, the Speaker and Minority Leader shall convene a special committee
330 pursuant to Rule 96.

331 If the member fails to request the appointment of a special committee pursuant to Rule 96 within
332 10 days, the EEO Officer shall implement the recommended action.

333 (3) If the action recommended pursuant to subsection (a) includes reprimand, censure, removal
334 from position as a chair or other position of authority, or expulsion, the EEO Officer shall
335 request that the Speaker and Minority Leader convene a special committee pursuant to Rule 96
336 to review the findings and recommendations of the EEO Officer. Upon receipt of said request
337 from the EEO Officer, the Speaker and Minority Leader shall appoint a special committee
338 pursuant to Rule 96.

339 (4) Upon the request for a special committee made by the EEO Officer or a member pursuant to
340 this subsection, the EEO Officer shall provide the Speaker and Minority Leader with a copy of
341 the EEO Officer's report.

342 (b) (1) If after completion of an investigation pursuant to Rule 94 the EEO Officer concludes that
343 an appointed officer, intern or employee has violated Rule 88, the EEO Officer shall notify the
344 appointing authority for the appointed officer, intern or employee and recommend and
345 implement remedial, preventative or disciplinary action, or any combination thereof, as is
346 appropriate and proportional under the circumstances, subject to the limitations set forth in
347 paragraph (2). Notwithstanding Rule 97, the appointing authority may inform any other

348 supervisors of the appointed officer, intern or employee of the remedial, preventative or
349 disciplinary action if the appointing authority believes that sharing such information is necessary
350 for maintaining proper supervision of the appointed officer, intern or employee.

351 (2) If after completion of an investigation pursuant to Rule 94 the EEO Officer concludes that an
352 appointed officer, intern or employee has violated Rule 88 and the EEO Officer's action
353 recommended pursuant to paragraph (1) includes termination of employment or internship, the
354 EEO Officer shall forward the recommendation, with all supporting documentation, to Counsel
355 for review and approval. Counsel shall have two business days to review the EEO Officer's
356 recommendation. If Counsel approves the recommendation, Counsel shall notify the EEO
357 Officer and the Director and the Director shall immediately terminate the individual's
358 employment or internship. If Counsel rejects the EEO Officer's recommendation, he shall notify
359 the EEO Officer and the Speaker and the Speaker shall determine the action to be implemented.

360 96. (a) Upon receipt of a request pursuant to Rule 95, the Speaker and Minority Leader shall
361 confidentially convene a Special Committee on Professional Conduct, which shall consist of 7
362 members, 5 of whom shall be appointed by the Speaker and 2 of whom shall be appointed by the
363 Minority Leader. To the extent practicable, membership on the special committee shall be
364 apportioned in a way that takes into account the nature of the complaint and the commitment of
365 the House to providing fair and equal opportunity in employment. The Speaker shall appoint a
366 member to serve as chair. No member who has declared his or her candidacy for any other local,
367 state or federal office shall be appointed to a special committee. Upon appointment of members
368 to the committee, the Speaker and Minority Leader shall notify the EEO Officer and the member
369 who is the subject of the complaint of the identity of the members appointed. The existence of

370 the committee and the identity of the members appointed to the committee shall otherwise
371 remain confidential.

372 (b) The EEO Officer shall provide the members of the special committee with all records
373 relevant to the investigation. The special committee shall review all records and may further
374 investigate, to the extent that it is necessary to resolve the complaint. The special committee
375 may summon witnesses, administer oaths, take testimony and compel the production of books,
376 papers, documents and other evidence in connection with its review.

377 (c) In the case of a special committee convened under this section upon the request for a review
378 by a member pursuant to paragraph (2) of subsection (a) of Rule 95, the committee shall
379 determine whether the EEO Officer's intended action is proportional and appropriate under the
380 circumstances. If a majority of the committee so finds, it shall order that the action
381 recommended by EEO Officer be implemented, along with any additional disciplinary, remedial
382 or preventative action, or any combination thereof, the committee determines to be proportional
383 and appropriate under the circumstances, subject to the limitations set forth in subsection (d). If
384 a majority of the committee finds that the intended action was not proportional or appropriate
385 under the circumstances, it may make a new recommendation for disciplinary, remedial or
386 preventative action, or any combination thereof, subject to the limitations set forth in said
387 subsection (d). All determinations of the committee pursuant to this subsection shall be final.

388 (d) (1) If a majority of the committee finds that a member has violated Rule 88, it may take any
389 disciplinary, remedial or preventative action, or any combination thereof, as it determines to be
390 proportional and appropriate under the circumstances; provided, however, that if the committee
391 determines that reprimand, censure, removal from position as a chair or other position of

392 authority, or expulsion is proportional and appropriate under the circumstances, it shall file a
393 report with the Clerk recommending that the House vote to implement the disciplinary action.

394 (2) Upon the filing of a report pursuant to paragraph (1), the Clerk shall promptly: (i) make the
395 report available to all members electronically; (ii) cause the report to be posted on the website of
396 the General Court; and (iii) place the matter in first position in the Orders of the Day for the next
397 calendar day that the House is meeting; provided, however, that no business shall be conducted
398 on that calendar day or any day thereafter until the question of acceptance or rejection of the
399 special committee's recommendation for discipline is decided by a majority of the members
400 voting and present by a recorded roll call vote. If a majority of the members vote to accept the
401 recommendation for discipline, the member shall be disciplined in the manner so recommended.
402 Unless a majority of the members vote to accept the report, the member shall not be disciplined.

403 (3) All findings and determinations of the committee, including instances where the special
404 committee does not file a report with the Clerk pursuant to paragraph (1), shall be reported to the
405 EEO Officer and shall be final. The EEO Officer shall maintain confidential records of such
406 findings and determinations, except that a report filed pursuant to paragraph (1) shall be public.

407 97.

408 (a) Any information obtained by a member or employee in his or her official capacity and
409 relating to a complaint or investigation of harassment pursuant to Rules 93 to 96, inclusive, and
410 any records of such information shall be confidential to the fullest extent possible.

411 Confidentiality shall be specifically subject to subsections (b), (c), (d) and (e).

412 (b) (1) The EEO Officer, in reviewing a complaint and conducting an investigation, shall keep
413 the complaint confidential and shall not disclose the identity of the complainant or the person

414 against whom the complaint is made or any other details of the complaint with any member or
415 employee; provided, however, that the EEO Officer may share information to the extent
416 necessary to interview witnesses or parties to the investigation or to consult with Counsel if the
417 EEO Officer determines that such consultation is required in connection with the investigation.

418 (2) In the case of a complaint against a staff person, the EEO Officer shall maintain
419 confidentiality throughout his or her investigation and implement all remedial actions and
420 discipline short of termination confidentially, without sharing the identity of the complainant or
421 the person against whom the complaint is made or any other details of the complaint with any
422 member or employee; provided, however, that the EEO Officer may share information to the
423 extent necessary to implement any remedial actions or discipline or to consult with Counsel if
424 the EEO Officer determines that such consultation is required in connection with the
425 investigation. This paragraph shall not limit the EEO Officer's ability to transmit the resolution
426 of a complaint, including any discipline resulting therefrom, to the Director for inclusion in the
427 employee's personnel file.

428 (3) In the case of a complaint against a staff person, where the EEO Officer recommends
429 termination, the EEO Officer shall share information with Counsel for review. If Counsel and
430 the EEO Officer disagree as to whether termination is the appropriate discipline, confidentiality
431 shall only be expanded to the extent needed to inform the Office of the Speaker and reach a
432 resolution.

433 (4) In the case of a complaint against a member, the EEO officer shall maintain confidentiality
434 throughout his or her investigation by: (i) not disclosing information to any member or employee
435 who is not a witness or party to the investigation, except to consult with Counsel if the EEO

436 Officer determines that such consultation is required in connection with the investigation; and
437 (ii) confidentially recommending all remedial actions short of reprimand, censure, removal from
438 position as a chair or other position of authority, or expulsion of a member. This paragraph shall
439 not limit the EEO Officer's ability to: (i) share his or her report with the Office of the Speaker
440 and the Minority Leader upon the request for a special committee pursuant to Rule 95; and (ii)
441 share any records relevant to the investigation with the special committee convened pursuant to
442 Rule 96; provided, that when sharing his or her report with the Office of the Speaker and the
443 Minority Leader, the EEO Officer may use pseudonyms, redaction and other methods the EEO
444 Officer considers appropriate to address the needs of a complainant or the circumstances of a
445 complaint.

446 (c) (1) The establishment of a special committee pursuant to Rule 96 shall be completely
447 confidential, except that the Speaker and Minority Leader shall disclose the names of their
448 respective appointments to the EEO Officer. The EEO Officer shall maintain a confidential
449 record of the membership of each special committee that is convened.

450 (2) All proceedings of a special committee convened pursuant to Rule 96 shall be confidential
451 and members of the committee shall not share any information about the complaint and
452 investigation for which the committee was convened with any other member or employee,
453 including their own appointed staff; provided, however, that the committee may consult with
454 Counsel if the chair of the committee determines that such consultation is required in connection
455 with the investigation.

456 (3) A special committee convened pursuant to Rule 96 shall implement all actions short of
457 reprimand, censure, removal from position as a chair or other position of authority, or expulsion

458 of a Member confidentially, except that the special committee shall submit a final report to the
459 EEO Officer and may consult with Counsel if the chair of the committee determines that such
460 consultation is required in connection with their recommended action. The committee's
461 recommendation, if any, for reprimand, censure, removal from position as a chair or other
462 position of authority, or expulsion of a member, shall be a public document; provided, however,
463 that the committee may use pseudonyms to conceal the identity of the complainant if the
464 circumstances of the complaint so warrant.

465 (d) All authorized parties shall keep complaints confidential, except to share the complaint with
466 the EEO Officer.

467 (e) Nothing in this Rule shall limit the ability of the EEO Officer to share information with a
468 complainant, to the extent appropriate, in order to properly conclude the complaint or
469 investigation process.

470 98.

471 The EEO Officer and the Director shall establish all policies, procedures and guidelines required
472 by Rules 88 to 97, inclusive, and may develop supplemental policies, procedures and guidelines
473 necessary to implement or enforce Rules 88 to 97, inclusive; provided, that no policy, procedure
474 or guideline shall take effect without the prior review and written approval of Counsel and the
475 committee on Personnel and Administration. Where appropriate, these policies, procedures and
476 guidelines shall be included in the handbooks.

477 The EEO Officer and the Director may consult with each other, Counsel, and the committee on
478 Personnel and Administration to carry out the requirements of Rules 88 to 97, inclusive.

479 99. Pending the appointment of an EEO Officer, a complaint alleging a violation of Rule 88 by a
480 member shall be referred directly to a Special Committee on Professional Conduct, which shall
481 conduct itself pursuant to Rule 96 except as modified by this Rule.

482 Pending the appointment of an EEO Officer and notwithstanding Rule 87 and utilizing sound
483 business practices, the chair of a Special Committee on Professional Conduct convened pursuant
484 to this Rule shall have the exclusive authority and discretion to retain outside legal and
485 consulting experts, as the chair may deem appropriate to assist the chair and the committee with
486 the investigation and evaluation of a complaint received by said committee.

487 Counsel shall, at the request of the chair, assist the chair and the Special Committee on
488 Professional Conduct with the investigation and evaluation of a complaint received by the
489 committee.

490 100. (a) No member, officer or employee shall execute any agreement to settle any legal claim or
491 potential legal claim by any current or former member, officer or employee unless said
492 agreement is executed pursuant to this rule.

493 (b) No member, officer or employee shall execute any agreement to settle any legal claim or
494 potential legal claim brought by any current or former member, officer or employee without the
495 approval of Counsel, the Director and the EEO Officer. Counsel, the Director and the EEO
496 Officer shall each independently review the claim or potential legal claim brought by any current
497 or former member, officer or employee and confirm that the claim or potential claim does not
498 relate to sexual harassment or retaliation based on a claim of sexual harassment. Counsel, the
499 Director and the EEO Officer shall not approve any settlement of a legal claim or potential legal
500 claim brought by any current or former member, officer or employee pursuant to this subsection

501 if Counsel, the Director or the EEO Officer reasonably believes such legal claim or potential
502 legal claim relates to sexual harassment or retaliation based on a claim of sexual harassment.

503 (c) No member, officer or employee shall execute any agreement to settle any legal claim or
504 potential legal claim of sexual harassment, or retaliation based on a legal claim or potential legal
505 claim of sexual harassment, by any current or former member, officer or employee unless said
506 agreement is executed pursuant to this subsection.

507 No member, officer or employee shall execute any agreement to settle a legal claim or potential
508 legal claim of sexual harassment, or retaliation based on a legal claim or potential legal claim of
509 sexual harassment, by any current or former member, officer or employee unless:

510 1. the request to negotiate said agreement was initiated, in writing, by the person filing or
511 eligible to file the legal claim or potential legal claim or a person legally authorized to represent
512 that person;

513 2. the person filing the legal claim or eligible to file the legal claim is given 15 days to
514 review and consider the agreement;

515 3. the duration of any non-disclosure or non-disparagement provision of the agreement to
516 settle the legal claim or potential legal claim is for a finite period of time as agreed to by the
517 parties;

518 4. the agreement to settle the legal claim or potential legal claim specifically provides that
519 no provision of the agreement, including any non-disclosure or non-disparagement provision of
520 the agreement, shall preclude any party from participating in an investigation by Counsel, the

521 Director, the EEO Officer, a Committee on Professional Conduct or any law enforcement
522 agency; and

523 5. the agreement is approved in writing by Counsel, the Director and the EEO Officer.

524 (d) In the case of an agreement to settle any legal claim or potential legal claim of sexual
525 harassment pursuant to this Rule by a member, the Speaker and Minority Leader shall appoint a
526 Special Committee on Professional Conduct pursuant to Rule 96 to determine if the member
527 shall be required to personally reimburse the House for all or part of the settlement amount.
528 Upon a determination by the Special Committee that the member shall be required to personally
529 reimburse the House for all or part of the settlement amount, it shall determine the amount to be
530 reimbursed and immediately notify the member of that amount

531 (e) Upon request of the party described in paragraph numbered 1 above or the complainant,
532 Counsel shall waive any non-disclosure or non-disparagement provision of any agreement
533 executed prior to the effective date of this Rule by the House and any current or former member,
534 officer or employee, to allow said current or former member, officer or employee to report or
535 discuss a claim of sexual harassment or retaliation based on sexual harassment.